Appl. No. 09/669,032
Amdt. sent November 21, 2005
Reply to Office Action of August 19, 2005

PATENT

REMARKS/ARGUMENTS

Claims 18-31 are pending. Claims 18, 23, 25, and 30 have been amended.

Claims 18-19, 21-23, 25-26, and 28-30 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,668,337 to Kondo et al.

Claims 20, 24, 27, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,668,337 to Kondo.

Claims 18-22

Applicants respectfully submit that the cited reference does not teach or suggest each and every feature cited in claim 18 as currently amended. For example, claim 18 recites in part, "a controller which shifts the entire scale of the melody data inputted by the input unit when a frequency of the inputted melody data is not in a predetermined range; a memory which ... stores melody data shifted by the controller when the frequency of the inputted melody data is not in the predetermined range ... ." Kondo et al. do not disclose these features as claimed.

Kondo et al. discloses shifting only one note (event) having a frequency outside of the predetermined range. Col. 15, line 59 to col. 16, line 8, step 66 describes a note conversion process in which "if the channel switch data indicates that no tone should be generated in the current chord root and/or type, this note will not be sounded." As only one note is being shifted, Kondo et al. do not show shifting the entire scale of the melody data.

Furthermore, applicants respectfully submit that a melody refers to a succession or grouping of notes, instead of referring to a single note. The Examiner has stated in his Response to Arguments that melody data is not clearly defined in the claim and can be interpreted as many things, such as a melody comprising one note. MPEP 2111.01 II states that "[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention...." *Webster's II New College Dictionary* defines melody as " a rhythmic sequence of single tones organized so as to make up a particular musical phrase or idea" or "a sweet or agreeable succession or arrangement of sounds." As both a sequence or succession of tones/notes imply that more than

Appl. No. 09/669,032
Amdt. sent November 21, 2005
Reply to Office Action of August 19, 2005

PATENT

one note/tone is present within the melody, it is inconsistent with the customary meaning of melody to refer to a melody as comprising only one note. For this reason, applicants respectfully submit that a melody refers to a grouping of more than one note and correspondingly, melody data refers to data for more than one note. Nevertheless, to more clearly state this limitation, claim 18 has been amended to recite, "an input unit which inputs melody data <u>for a plurality of notes</u>."

Accordingly, claim 18 should be allowed for at least these reasons. Claims 19-22, which depend from claim 18, should be allowed for at least a similar rationale.

<u>Claims 23-24</u>

Applicants respectfully submit that the cited references does not teach or suggest each and every feature recited in claim 23 as amended. For example, claim 23 recites, in part, "a controller which changes the frequency spectrum of a melody data inputted by the input unit to produce a melody data whose frequency spectrum is in a range between a first frequency and a second frequency when a frequency of the inputted melody data is not in the range ... ." For similar reasons as discussed above, Kondo et al. do not disclose the features as claimed in which the frequency spectrum of a melody data is changed.

For similar reasons as described in regards to claim 18, claim 23 has been amended to recite, " A melody sound reproducing unit comprising: an input unit which inputs melody data for two or more notes..." to more clearly state the limitation that the melody data is for two or more notes, not one note.

Accordingly, claim 23 should be allowed for at least this reason. Claim 24, which depends from claim 24, should be allowed for at least a similar rationale.

<u>Claims 25-29</u>

Applicants respectfully submit that the cited references does not teach or suggest each and every feature recited in claim 25. For example, claim 25 recites, in part, "shifting the entire scale of the inputted melody data when the frequency of the inputted melody data is not in

Appl. No. 09/669,032
Amdt. sent November 21, 2005
Reply to Office Action of August 19, 2005

PATENT

the predetermined range ... ." For similar reasons as discussed above, Kondo et al. do not disclose the features as claimed in which there is shifting of the entire scale of the inputted melody.

For similar reasons as described in regards to claim 18, claim 25 has been amended to recite, "A melody sound recording method, said method comprising: inputting melody data for a plurality of notes..." to more clearly state the limitation that the melody data is for a plurality of notes, not one note.

Accordingly, claim 25 should be allowed for at least this reason. Claims 26-29, which depend from claim 25, should be allowed for at least a similar rationale.

Claims 30-31

Applicants respectfully submit that the cited references does not teach or suggest each and every feature recited in claim 30. For example, claim 30 recites, in part, "changing all of the frequency components of inputted melody data to produce melody data whose frequency components fall within a range between a first frequency and a second frequency when a frequency component of the inputted melody data is not in the range ... ." For similar reasons as discussed above, Kondo et al. do not disclose the features changing all of the frequency components of inputted melody data to produce melody data whose frequency components fall within a range between a first frequency and a second frequency.

For similar reasons as described in regards to claim 18, claim 30 has been amended to recite, "an input unit which inputs melody data for two or more notes..." to more clearly state the limitation that the melody data is for two or more notes, not one note.

Accordingly, claim 30 should be allowed for at least this reason. Claim 31, which depends from claim 30, should be allowed for at least a similar rationale.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 09/669,032
Amdt. sent November 21, 2005
Reply to Office Action of August 19, 2005

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

George B. F. Yee
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
Attachments
GBFY:cmm
60583105 v1